

FILED

JUN 16 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MANPREET KAUR,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-72727

Agency No. A76-677-007

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted June 12, 2006 ^{**}

Before: KLEINFELD, PAEZ, and BERZON, Circuit Judges.

Manpreet Kaur, a native and citizen of India, petitions pro se for review of the Board of Immigration Appeals' ("BIA") order denying as untimely her motion to reopen removal proceedings. We have jurisdiction pursuant to 8 U.S.C. § 1252.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We review for abuse of discretion, *see Movsisian v. Ashcroft*, 395 F.3d 1095, 1098 (9th Cir. 2005), and we deny the petition for review.

The BIA acted within its discretion in denying Kaur's motion to reopen as untimely because Kaur filed her motion more than a year and a half after the BIA's decision, *see* 8 C.F.R. § 1003.2(c)(2) (motion to reopen must be filed within ninety days of BIA's decision), and failed to demonstrate changed circumstances in India to qualify for the regulatory exception to the time limitation, *see* 8 C.F.R. § 1003.2(c)(3)(ii).

We do not consider Kaur's challenge to the agency's adverse credibility determination, made in the context of her underlying asylum claim. *See Kaur v. Ashcroft*, No. 02-71673 (upholding agency's denial of Kaur's application for asylum).

PETITION FOR REVIEW DENIED.